

**REMARKS**

The Non-Final Office Action dated May 14, 2007, has been received and carefully considered. Reconsideration of the outstanding rejections in the present application is respectfully requested based on the above amendments and following remarks.

At the outset, the undersigned thanks the Examiner for the courtesies extended during the interview conducted on August 28, 2007, during which agreement was reached that the cited references do not “bypass the lender,” which is now required by the pending claims, as amended.

I. **OBVIOUSNESS REJECTION OF CLAIMS 1-20**

Claims 1-20 are currently pending in this application. On pages 2-4 of the Office Action, claims 1-20 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Freeman et al. (U.S. Publication No. 2002/0059137, hereinafter “Freeman”) in view of Tengel (U.S. Patent No. 5,940,812, hereinafter “Tengel”), further in view of Broadbent et al. (U.S. Publication No. 2005/0197953, hereinafter “Broadbent”). This rejection is hereby respectfully traversed.

As stated in MPEP § 2143, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant’s disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

At the outset, Applicant would like to point out one of many significant differences between the claimed systems and methods and the cited references. In particular, the claimed systems and methods permit a borrower to initially bypass lenders and deal directly with underwriters. For example, a borrower may utilize the claimed systems and methods to transmit a plurality of applications directly to any number of underwriters. Upon receiving an underwriting decision from an underwriter, the borrower may then approach one or more lenders armed with the results of an underwriting decision. In contrast, the cited references do not disclose any feature or functionality wherein a borrower is able to bypass the lender and deal with an underwriter directly to obtain an underwriting decision which the borrower may then leverage against any number of lenders to negotiate an attractive and competitive loan.

Thus, although Applicant does not agree with the pending rejections, Applicant has nonetheless amended the claims to clarify the claimed systems and methods and better distinguish the cited references. In particular, Applicant has amended each of the independent claims to recite features not disclosed by the cited references. For example, independent claim 1 has been amended to recite the steps of: (1) “bypassing a lender and forwarding the plurality of mortgage approval applications to a plurality of mortgage underwriting systems, wherein each mortgage underwriting system receives at least one of the plurality of mortgage approval applications,” and (2) forwarding the at least one decision to the borrower device, wherein the borrower may then present the at least one decision to at least one lender.

Applicant respectfully submits that none of the cited references -- alone or in combination -- teach or suggest any feature or functionality that even remotely comprises the step of: (1) “bypassing a lender and forwarding the plurality of mortgage approval applications to a plurality of mortgage underwriting systems, wherein each mortgage underwriting system

receives at least one of the plurality of mortgage approval applications,” or (2) forwarding the at least one decision to the borrower device, wherein the borrower may then present the at least one decision to at least one lender,” as expressly recited in each of the independent claim 1. For at least this reason, Applicant respectfully submits that independent claim 1 is allowable over the cited references.

Regarding claims 10, 19 and 20, these claims recite subject matter related to claim 1. Thus, the arguments set forth above with respect to claim 1 are equally applicable to claims 10, 19 and 20. Accordingly, is it respectfully submitted that claims 10, 19 and 20 are allowable over the cited references for the same reasons as set forth above with respect to claim 1.

Regarding claims 2-9 and 11-18, these claims are dependent upon independent claim 1 or 10. Thus, since independent claims 1 and 10 should be allowable as discussed above, claims 2-9 and 11-18 should also be allowable at least by virtue of their dependency on independent claim 1 or 10. Moreover, these claims recite additional features which are not disclosed, or even suggested, by the cited references taken either alone or in combination. For example, claim 3 recites the process according to claim 1, wherein the at least one decision comprises a universal approval of a mortgage loan program and terms and conditions of the mortgage loan program. Applicant respectfully submits that none of the cited references -- alone or in combination -- teach or suggest any feature or functionality comprising the process of claim 1, wherein the at least one decision comprises a universal approval of a mortgage loan program and terms and conditions of the mortgage loan program.

In view of the foregoing, it is respectfully requested that the aforementioned obviousness rejection of claims 1-20 be withdrawn.

**II. CONCLUSION**

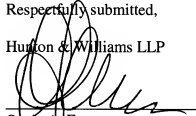
In view of the foregoing, it is respectfully submitted that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number, in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

To the extent necessary, a petition for an extension of time under 37 CFR § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-0206, and please credit any excess fees to the same deposit account.

Respectfully submitted,

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